

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
MAY 6, 1964

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. of Wednesday, May 6, 1964, in the City Hall Council Chambers.

ROLL CALL Present: Councilmen - CULBERTSON, KIRSTEN, WALTON
and BROWN (Mayor)

Absent: Councilmen - DOW

Also present were City Manager Graves, City Attorney Mullen and Administrative Assistant Peterson.

MINUTES Minutes of April 21, 1964 were approved as written and mailed on motion of Councilman Kirsten, Culbertson second.

PUBLIC HEARINGS

ABANDON POR.
OF MILLS AVE.
AT TOKAY ST.

Notice thereof having been published and posted in accordance with law, Mayor Brown opened the hearing on the proposed abandonment of portions of Mills Avenue at Tokay Street. The original alignment of the street had been changed after the City had adopted the ditch system of storm drainage in order to provide a 50-foot strip adjacent to the Woodbridge Irrigation District canal for the location of a ditch. Since the City is no longer considering this type of drainage, the strip is no longer needed, and the Public Works Department recommends that portions of Mills Avenue be abandoned in order to bring the street back to the original alignment which will allow a tier of residential lots between Mills Avenue and the canal. The Planning Commission has recommended that the abandonment be made. There were no protests to the proposal, written or oral. On motion of Councilman Walton, Kirsten second, the City Council adopted an order abandoning portions of Mills Avenue at Tokay Street as set forth in Resolution of Intention No. 2717.

TEMPORARY
CROSSING
GUARD AT
CHURCH AND
KETTLEMAN

Mrs. Merle Wilson, 1419 South School Street, representing the residents in Lowe's Village, addressed the Council concerning the hazards to children crossing Kettleman Lane at Church Street. Since Kettleman Lane is a State highway, they have presented their problem to the State Division of Highways, and as a result the State is conducting a study of traffic conditions in this area. It will be some time before the study is completed and therefore the people in Lowe's Village are asking that as a temporary solution the City provide an adult crossing guard at the Church-Kettleman intersection for the balance of the present school term during the hours the children are going to and from school. After considerable discussion about possible solutions such as signals, overhead flashing lights, overpasses, etc., it was moved by Councilman Walton that the City Council approve \$150 per month for the hiring of a temporary crossing guard at Church Street and Kettleman Lane for the remainder of the present school term, that the guard be under the supervision of the Police Department, and that a report on his effectiveness be made at the end of the term. Councilman Culbertson said he would vote for the motion if the amount to be spent for the guard were not

Minutes of May 6, 1964 continued

included since he felt it should be left to the discretion of the City Manager. Councilman Walton then amended his motion by deleting the \$150 per month therefrom. The motion was then seconded by Culbertson and carried by unanimous vote. Confirming a statement made by Mrs. Wilson, the City Attorney said it would be necessary to get the consent of the State to hire the guard.

H.R. REYNOLDS
RE JUNK YARD
BLDG. PERMIT

Mr. H. R. Reynolds, 725 Costa Drive, stated he had a 4.75-acre parcel of land near the northeast corner of Lockeford Street and Cluff Avenue in the "M" industrial zone for which he wished to get a building permit for a wrecking yard. He said he intended to abide by City laws, which do not require a use permit as long as the wrecking yard is enclosed, but the City Manager and City Attorney had delayed issuance of the building permit. City Manager Graves said there was a delay because money had to be put up for drainage and other improvements; and because the City had received no funds for improvements when the adjacent property (owned by Mr. Reynolds) was developed and leased to Ro-Tile Roofing Company. However, investigation had shown that this property had been developed before being annexed to the City. Meanwhile, at its meeting on April 27, the Planning Commission had discussed the matter and were perturbed that enclosed wrecking yards could be established under the present ordinance without having controls placed on them. They therefore set for public hearing a proposal to amend the zoning ordinance which would require a use permit for all junk yards. The Commission had also requested the City Manager to withhold issuance of building permits for any new junk yards during the period that the proposed amendment was being considered. City Attorney Mullen said that under present regulations Mr. Reynolds is entitled to a building permit; but on the other hand the Council may deny issuance of the permit since Mr. Reynolds has no vested right in the junk yard. The Council could pass an emergency ordinance as it did for signs recently. Councilman Walton said Mr. Reynolds owned property in an industrial area for which he has a buyer who wants to put in a wrecking yard. Mr. Reynolds has offered to place reasonable restrictions on the yard such as fencing, landscaping, etc. The building permit had been held up because of the Ro-Tile matter and subsequently the Planning Commission had had a meeting at which it requested that the building permit be held up. Councilman Walton felt the City Manager should be instructed to issue the permit; not to do so was unjustifiable. He said he would disqualify himself from voting on any action that might be proposed because he had represented Mr. Reynolds at one time. On being questioned by Councilman Culbertson, Mr. Graves said that Mr. Reynolds had indicated that he was ready and willing to adhere to any restrictions the City might request. Councilman Culbertson felt that under such circumstances, it was not quite fair to stop issuance of the permit. He said the building permit should be granted and that the study of the ordinance should be made in an orderly fashion. Mr. Reynolds reiterated that he did not want to sell the property for a junk yard without restrictions. He wanted to know if the City could enforce the restrictions. City Attorney Mullen said that no such conditions were attached to a building permit and that enforcement of restrictions would be up to Mr. Reynolds. The alternative would be for Mr. Reynolds to wait until the ordinance was amended and apply for a use permit. Councilman Culbertson wanted to know if an emergency ordinance could be adopted which would require a use permit, but Mr. Mullen said the zoning ordinance could not be amended

Minutes of May 6, 1964 continued

except by following the legal procedure requiring a hearing, etc. Councilman Culbertson moved that the City Manager and Building Department issue a building permit to Mr. Reynolds for the establishment of a junk yard on his property in the area of Cluff Avenue and Lockeford Road. The motion was seconded by Mayor Brown and carried by the following vote:

AYES:	Councilmen - CULBERTSON and BROWN
NOES:	Councilmen - KIRSTEN
ABSTAIN:	Councilmen - WALTON
ABSENT:	Councilmen - DOW

COMMUNICATIONS

ALASKA APPEAL	A letter was received from the League of California Cities enclosing a letter from Fairbanks, Alaska, which was appealing for funds to assist cities, businesses, industries and individuals to re-build following the recent earthquake. The League suggested that the letter be made available to the press and the Council so ordered.
OAKDALE	An invitation was received from the Mayor of Oakdale to attend a testimonial dinner in honor of Bob Chicou, Manager of the Oakdale Chamber of Commerce, to be held May 9, 1964. Members of the Council expressed their appreciation of the invitation, but said other commitments prevented their attendance.
HINSZ REZONING APPEAL	A letter was received from Albert Hinsz, 1813 Robert Street, appealing the decision of the Planning Commission which denied his request for a change of zoning from R-2 to R-3 on property located at 1811 Mariposa Way. The matter was set for public hearing on May 27, 1964, on motion of Councilman Culbertson, Kirsten second.
ABC LICENSE	Notice was read of the application for alcoholic beverage license, General On-Sale, of Betty Jane Cary and Harvey Puga, The Flame Room, 7 South School Street.

REPORTS OF THE CITY MANAGER

CLAIMS	Claims in the amount of \$114,477.43 were approved on motion of Councilman Walton, Culbertson second.
AWARD - GENERATOR CONVERSION	Mr. Graves reported that only one bid had been received for the electric generator conversion. The bid was from A. G. Schoonmaker Company for a total of \$24,495.00. The bid received was within the expected price range and the City Manager recommended that award be made. On motion of Councilman Culbertson, Walton second, the City Council adopted Resolution No. 2721 by unanimous vote awarding the contract for the electric generator conversion to A. G. Schoonmaker for \$24,495.00.
RBS. NO. 2721 ADOPTED	
AWARD - LODI AVE. IMPROVEMENTS	Bids received for Lodi Avenue Street Improvements, Frontage Road to Kelly Street, were as follows:
	Claude C. Wood Company \$9,847.00
	Tompkins & Gallaven 9,801.50
RES. NO. 2722 ADOPTED	The Engineer's estimate was \$10,092.50. Mr. Graves recommended that award be made to the low bidder. Councilman Culbertson moved the adoption of Resolution No. 2722 awarding the contract for Lodi Avenue Street Improvements to the low bidder, Tompkins & Gallaven. The motion was seconded by Councilman Walton and carried unanimously.

Minutes of May 6, 1964 continued

AWARD - The following bids were received for installation of
TENNIS COURTS tennis courts at American Legion Park:

RES. NO. 2723 Geremia Concrete Company \$25,267.00
ADOPTED Claude C. Wood Company 21,990.00

The engineer's estimate was \$25,000 and the City Manager recommended that award be made to the low bidder. On motion of Councilman Kirsten, Walton second, the City Council by unanimous vote adopted Resolution No. 2723 awarding the contract for the tennis courts to Claude C. Wood Company.

STREET NEEDS REPORT Copies of the report on City street deficiencies having been sent to the Council with the agenda, acceptance of the report was brought up for Council consideration. The report contains existing and estimated street needs to 1974 and is submitted to the State Department of Public Works each year in accordance with Section 2156 of the California Streets and Highways Code. On motion of Councilman Walton, Kirsten second, the City Council adopted Resolution No. 2724 approving and adopting the Street Needs Estimate Report for the City and authorizing the Director of Public Works to file said report with the proper State departments.

EASEMENT VACATION The City has received a letter from Mrs. Angiolina Lira asking the City to abandon an easement, except the LOT 42, north 60 feet, on her property fronting on Kettleman Lane between Lee and Pleasant Avenues. Mrs. Lira is to pay for the costs of the abandonment proceedings and for the relocation of the utility lines now existing in this easement. Mrs. Lira has also deeded to the City an easement which will enable the City to extend the existing water line around the perimeter of the property and tie it into the existing main in Kettleman Lane. A letter recommending the abandonment has been signed by the Director of Public Works, the Superintendent of Utilities, a representative of the Pacific Gas and Electric Company, and a representative of the Pacific Telephone and Telegraph Company. On motion of Councilman Walton, Kirsten second, the City Council adopted Resolution No. 2725 declaring its intention to abandon the easement as recommended and set public hearing thereon for May 27, 1964.

SPUR TRACK GRANTED The Baybarz Binder Company, which recently acquired property in Lodi Industrial Park and is now in the process of building a large warehouse, has requested that a spur track be constructed into the area for the handling of carload shipments to the plant. To place the spur in the location desired, it will be necessary to cross Lodi Avenue immediately north of the Central California Traction Company right of way. Since the request must also be presented to the State Public Utilities Commission, a formal resolution granting the permit is required. On motion of Councilman Culbertson, Kirsten second, the City Council adopted Resolution No. 2726 granting Baybarz Binder Company a permit to construct, operate and maintain a spur track across Lodi Avenue in the area of Lodi Industrial Park.

POWER LINE EASEMENT FROM SPUR An agreement for an overhead power line easement from Southern Pacific Company over its Woodbridge Branch line was presented for Council approval. On motion of Councilman Walton, Culbertson second, the City Council adopted Resolution No. 2727 approving the easement agreement and authorizing its execution by the Mayor and City Clerk.

Minutes of May 6, 1964 continued

SPECS -
CURB, GUTTER
& SIDEWALK

Mr. Graves presented plans and specifications for the reconstruction of curb, gutter and sidewalk in the 400 block of East Pine Street and the 500 block of East Locust Street. He said he would like an affirmation of policy concerning the obligation of property owners to install sidewalks where needed when the curb and gutter is being put it. He said that for the past three years property owners who have refused to put in the sidewalks have not been required to do so. Councilman Walton moved that the plans and specifications for the construction of curb, gutter and sidewalk in the 400 block of East Pine and the 500 block of East Locust be approved and calling for bids authorized. The motion was seconded by Councilman Kirsten and carried. Councilman Walton then moved that the policy of the Council be that all sidewalks be brought up to standard by the property owners in any area where curb and gutter were being installed, including the areas where curb and gutter have been installed for the past three years. The motion was seconded by Councilman Kirsten and carried, with Mayor Brown voting no.

SPECS -
FAIRMONT AVE.

Plans and specifications for the improvement of Fairmont Avenue from Lodi Avenue to Kettleman Lane were presented for Council consideration. The Council was asked to make a determination concerning the curb and gutter in front of Lodi Memorial Hospital and on the side of Sunset Market. The Council followed the recommendation of the Public Works Department in both instances, approving curb, gutter and sidewalk in front of the Hospital along the street in its normal location and approving Plan C for the Sunset Market area which would give the Market 25 off-street parking stalls. The Council then approved the plans and specifications and authorized calling for bids on Fairmont Avenue Street Improvements on motion of Councilman Culbertson, Walton second. (M. 5/27/64)

WELL #5
FENCE

Mr. Graves explained that when the City purchased the site for Well #5 in Birch Park Subdivision, it promised to fence and landscape the site. Development of the subdivision has reached the point at which this work should be done. He recommended the erection of a solid wood fence and the planting of some type of ground cover. The cost of fencing and concrete work would be approximately \$1,000. On motion of Councilman Walton, Culbertson second, the City Council authorized the expenditure of approximately \$1,000 to fence and landscape Well #5 site.

FREEWAY
RAMPS AT
VICTOR RD.

At the Council meeting of April 1 a request had been presented from the State Division of Highways asking for establishment of a no parking zone on the north side of Victor Road in front of Maco Gas Company in order to improve traffic flow on the Freeway ramps. The request had been referred to the City Manager for checking with Maco Gas. Mr. Graves reported that such a parking zone would be detrimental to the Company's business and further study by the State indicated that it would be feasible to narrow the traffic to two lanes in this area so the no parking zone will not be required.

CLASSIFI-
CATION AND
SALARY
SURVEY

The City Manager stated that in September of 1963 the Council had indicated an interest in having a salary and classification survey made covering City employees. The last survey was made in 1956. He suggested that if the Council desires a survey, arrangements for one should be made at this time in order to have it

Minutes of May 6, 1964 continued

completed by the time the Council makes its annual review of salaries. The State Cooperative Personnel Services estimated that a survey would cost approximately \$3600. After some discussion, the Council continued the matter to its next meeting.

COUNCILMAN
WALTON RE
COMMUNITY
DEVELOPMENT
COMMISSION

Councilman Walton stated that his written proposal for a Community Development Commission was not intended to be complete, but was prepared as a basis for consideration by the Council and the public. He requested that it be placed on the agenda of the next Council meeting.

GOLF DRIVING
RANGE FENCE

City Manager Graves reported that a higher fence was needed on the west side of the Golf Driving Range and that it should be erected before the Boys' Club started using the Festival Grounds which would be May 15. Mr. Otto Pirtle, who runs the Driving Range, says a 22-foot high fence will be required. There would be needed 490 feet of fencing, 30 of which would be 6 feet high and the balance would be 22 feet high. The cost is estimated at \$845. Mr. Pirtle has agreed to pay an additional \$10 per month rental in order to help defray the cost of the fence. On motion of Councilman Culbertson, Walton second, the City Council authorized installation of a fence on the west side of the Driving Range as outlined at an approximate cost of \$845, subject to \$10 per month increase in the rent paid by Mr. Pirtle.

A-1 BASIN SITE
FUNDS

Mr. Graves stated that since several contractors will be excavating at the A-1 Basin site, the City will pay for stripping the top soil which it wishes to save. The Finance Director has requested the establishment of a \$5,000 operating account for this site from the Capital Outlay Reserve Fund. On the motion of Councilman Kirsten, Walton second, the Council authorized establishment of the \$5,000 account for the A-1 Basin site.


ROGERS ENG.
CO. ELECTRIC
SYSTEM
REPORT

The City Manager then passed out reports prepared by Rogers Engineering Company on the City's electrical system. He suggested that after the Council had completed its budget sessions, a meeting be held with representatives of Rogers Engineering.

LCC
SISTER-CITY
COMMITTEE

Councilman Culbertson stated that as the City's representative on the League's Committee on International Municipal Cooperation, he had received notice of a meeting to be held on May 8 in Berkeley. He said he wished to resign as Lodi's representative on this committee as he is involved in the Local Agency Formation Commission and the League's Building Regulations Committee. At Mayor Brown's request, Councilman Culbertson agreed to remain on the committee, but only until such time as one of the other councilmen could take over. Councilman Kirsten offered his services and said he would be able to attend the meeting on May 8 with Councilman Culbertson.

There being no further business, the Council adjourned at 10:40 p.m. on motion of Councilman Culbertson, Kirsten second.


Attest: Beatrice Garibaldi
City Clerk